



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	11/28/07	AGENDA REQUEST NO:	III A
INITIATED BY:	HAROLD ELLIS, PLANNER II <i>HE</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	REQUESTED VARIANCE TO THE HILL-AREA RESIDENTIAL (HR-1) DISTRICT FRONT YARD SETBACK REQUIREMENT FOR 615 MAIN STREET PUBLIC HEARING, CONSIDERATION AND ACTION		
EXHIBITS:	STAFF REPORT WITH AERIAL, VICINITY MAP, SITE PLAN, SITE PHOTOS, VARIANCE APPLICATION, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP <i>AKU</i>
RECOMMENDED ACTION			
The staff does not typically make recommendations regarding variances.			
EXECUTIVE SUMMARY			
<p>This is a request for a variance to the Hill-Area Residential (HR-1) district front yard setback requirement for 615 Main Street. The applicant has already constructed a covered front porch which does not meet the setbacks for the zoning district. The existing home also does not meet the front yard setback, as it was constructed prior to the City's zoning regulations, in 1920. The front yard setback for the HR-1 zoning district is 25' and the house is 14.7' from the property line; the original structure is legally non-conforming. The new porch is 7.7' from the property line, therefore the variance requested would be a total of 17.3'. This construction was completed without obtaining a building permit from the City and brought to the Planning Departments attention via the Code Enforcement Department. There are no lot coverage or other Development Code issues with the addition.</p> <p>CC: Mark Rode, rodedog@peoplepc.com File No. 8812</p>			

STAFF REPORT

Sec. 2-44. Public Hearing.

After receiving a proper application, the Director will schedule a public hearing on the variance before the Board. At least ten days prior to the hearing, written notice of the time and place of the hearing must be given to the person filing the appeal and to the owners of adjoining properties within 200 feet in the same manner in which adjoining properties are given notice of a hearing before the Commission for a change in zoning classification.

A public hearing has been scheduled. Notice of the hearing was published in a newspaper of general circulation. All property owners within 200' of the site/s were notified. In addition, a courtesy notification sign was placed at the site. At the time of this report, staff has received six phone calls/emails regarding the variance. There were five requests for general information and one caller in support of the variance.

Site Analysis and Discussion:

A key factor when considering a variance case is whether there appears to be alternatives that exist in design or layout for any construction being proposed. In this front setback case, there appear to be possible alternatives that allow some of the structure to remain in place. Under Chapter 2, Article III, Section 2-186 of the Development Code, open and uncovered porches may project up to 10' from the principal structure. If the front porch structure were uncovered it would meet this requirement of the Development Code. Additionally, under the same section of the code, an awning or canopy may project up to 3' from the principal structure, which is another alternative that allows a 3' extension from the wall of the house that could be covered. To exercise these options, the roof over the porch would need to be shortened to 3'.

A point of clarification needs to be made with regard to information stated in the application for this variance. The applicants refer to a "1997 Variance" change to the property. Based on staff research, this property has never received a variance. However, on September 23, 1997 the property was rezoned to Hill-Area Residential (HR-1) as part of the overall adoption of the Development Code (Ordinance No. 1063). Additional research indicates that prior to this change the property was zoned R-1 under the 1982 ordinance, which also had a 25' front yard setback for new construction.

Staff has conducted an examination of characteristics of other front yards in the area (lots referenced are shown on aerial)

<u>Address</u>	<u>Front yard setback compliance</u>
619 Main	does not appear to meet
611 Main	does not appear to meet
603 Main	does not appear to meet
622 Main	does not appear to meet
614 Main	does not appear to meet

Aerial View of Properties Near 615 Main St.: (2006 Photo)



In applying a 25' current setback to adjacent lots, the setback line would not allow new construction on the front of the buildings of properties above. It can be noted in the aerial that the lot at 615 Main Street is not as wide as adjacent properties. The lot does meet the current HR-1 requirements of at least 60' x 110' and square footage requirement of 6600. The specific dimensions are at least 68.9' wide by an average of 122' in depth. This totals to approximately 8,405 square feet. The house is similar in scale with homes to the north and across Main Street to the east. However, it appears smaller in scale than the homes to the south.

Points for Consideration/Variance Criteria:

Sec. 2-45. Board Decision.

After the public hearing, the Board may, by the affirmative vote of 75% of its members, grant a variance to the terms of these zoning regulations if the Board finds:

(a) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the same zoning district or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of such land or building; and

The lots within the Hill District (HR-1) near 615 Main Street appear to have various measurements to width and depth, but generally meet the District requirements of 60' width x 110' depth. Research indicates that many of the nearby homes along Main Street do not meet the front yard setback, as illustrated on the aerial photograph. The minimum lot depth in the HR-1 zoning district of 110' is the same as the Standard Single Family Residential (R-1) District. The lot in question has an average lot depth of 122', and exceeds the HR-1 requirements. The lot appears somewhat unique in having a smaller width as compared to adjacent lots to the immediate north and south . .

(b) That the granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located; and

While the Board will determine after the public hearing if granting the variance will be detrimental to the public welfare, no safety issues have been identified by staff.

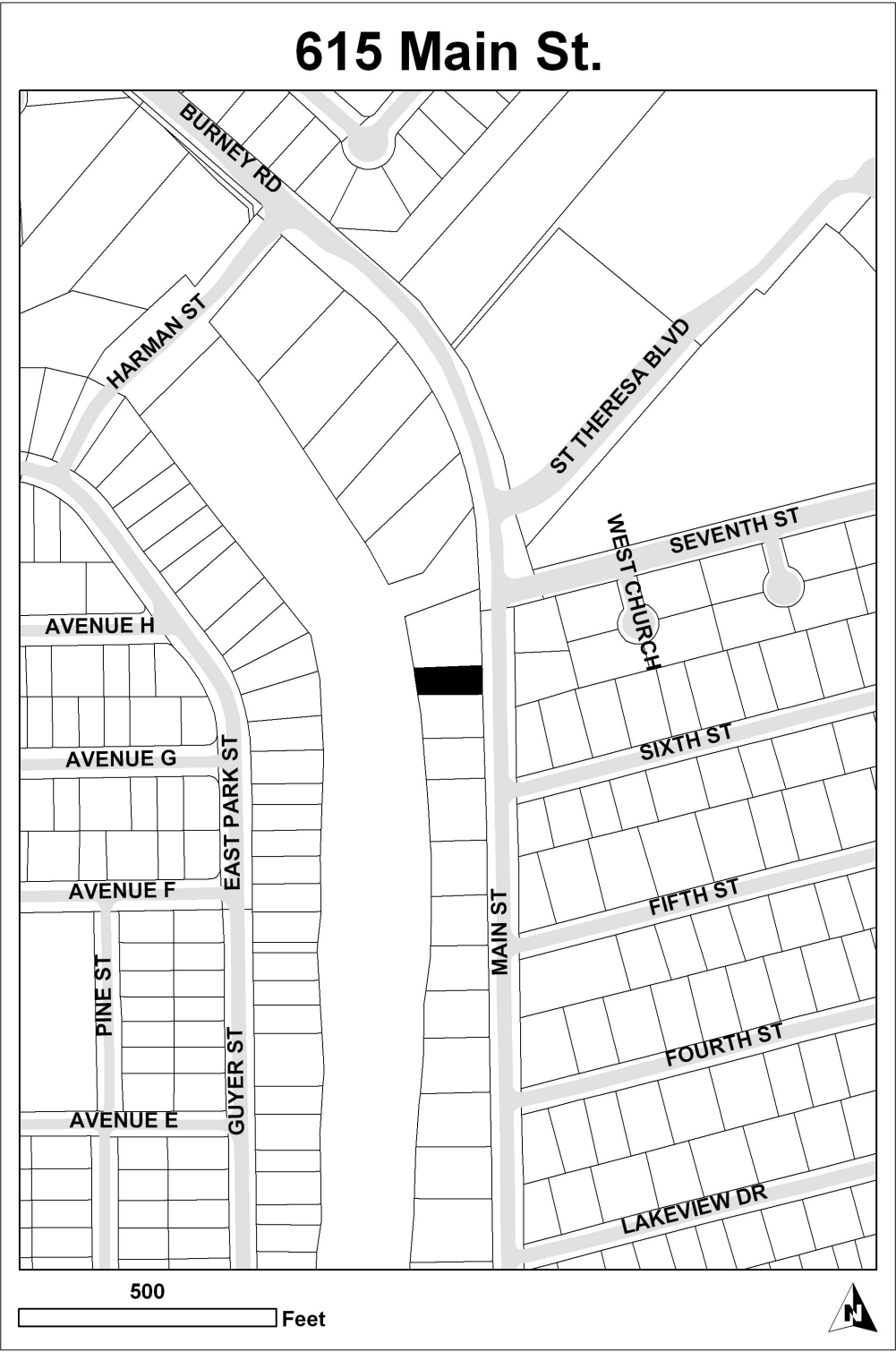
(c) That the granting of the variance is necessary for the reasonable use of the land or Building and is the minimum variance that will accomplish this purpose; and

This property was being used as a single family home prior to the construction of the porch. If this variance is granted, it would be the minimum needed. The applicant believes that the front porch is reasonable for the use of the land. As stated above, the Board must determine whether a variance is needed for the reasonable use of the property. The un-permitted porch was constructed with dimensions of 26.5' X 7', which results in a square footage of 185.5. The request appears to be the minimum variance required in order to avoid removal of part or all of the covered porch roof structure.

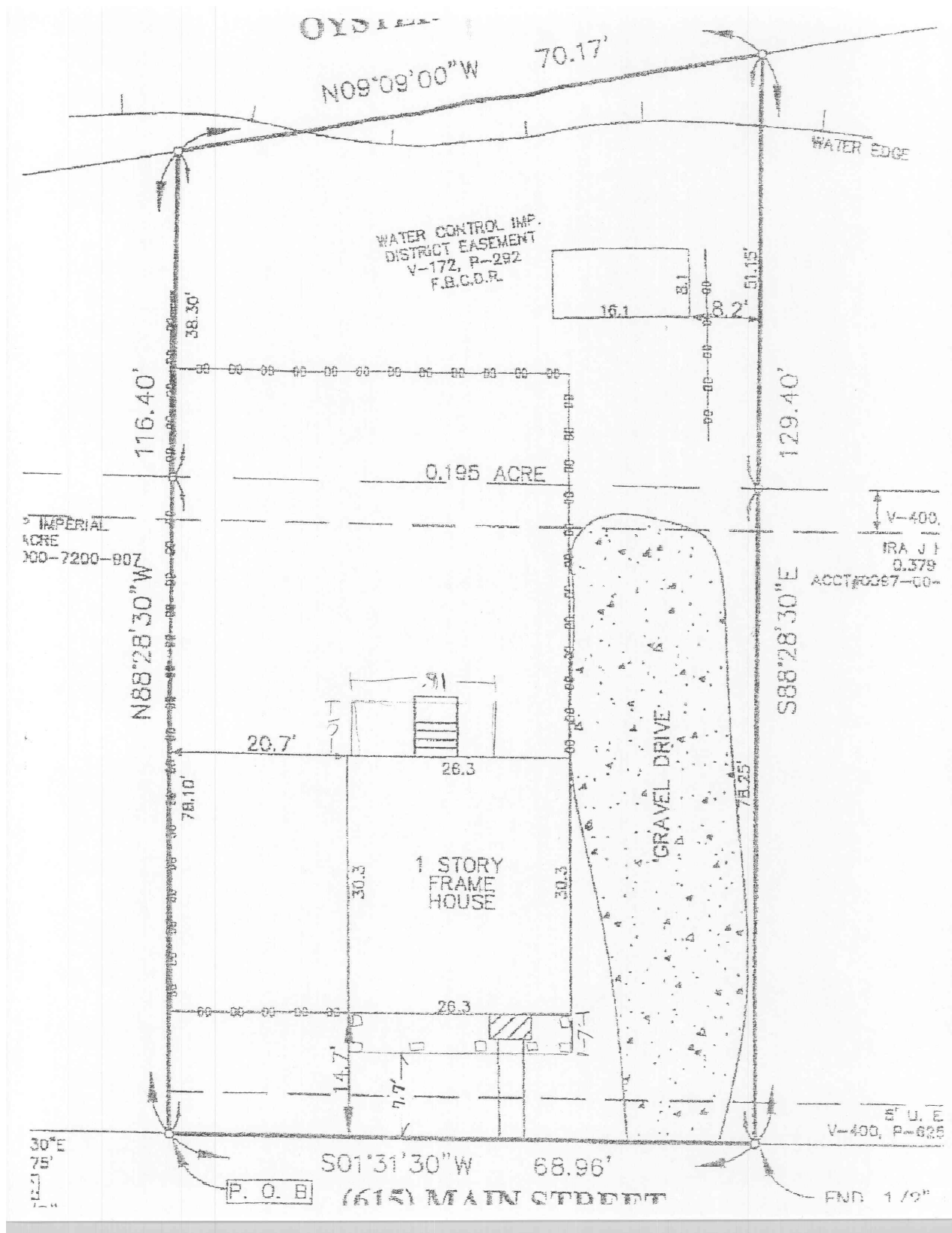
(d) That literal enforcement and strict application of the provisions of these zoning regulations will result in an unnecessary hardship inconsistent with the general provisions and intent of these zoning regulations and that, in granting the variance, the spirit of these zoning regulations will be preserved and substantial justice done.

The Board will determine if a hardship exists. This question primarily deals with what is an unnecessary hardship and needs to relate to the special circumstances of the land or structure (see a, above), rather than economic circumstances.

Vicinity Map:



Proposed Site Plan: (Can be attached as a condition to variance approval)



Site Photos:

615 Main (Front)



(Front Angle)



(Left Side)



(Right Side)



Front of house, prior to new porch, submitted with original permit application:



Application:



ACCOUNTING CODE
ZC
Original

CITY OF SUGAR LAND
ZONING OR SUBDIVISION REGULATION
VARIANCE REQUEST APPLICATION

Please fill out the following information & return your submittal to the Planning Department, 2700 Town Center Blvd., N., Sugar Land, TX 77479 Attention: Development Review Coordinator

SUBDIVISION / PROJECT NAME:

The Hill - 615 main Street - front porch

APPLICANT: Mark W. Rode

Address: 1123 Misty Lake DR., Sugar Land, TX 77478

Company: not applicable

Phone: 713-254-7522

Fax: 281-240-1154

Email: rodewog@peoplepc.com

OWNER / AGENT:

Contact / Company: Mark Rode

Address: same as above

Phone: " "

Fax: " "

Email: " "

Type of Variance: (check one) ☐ Zoning ☐ Subdivision Regulations ☒ Residential

Section of Ordinance from which variance is being sought:

Setback Variance - Article II, Sec II of the Development Code

Variance Justification: there is no place to add a porch due to a 1997 variance change. Unless we can move the house back, which is cost prohibitive, no porch is "allowed" on the front of the house. The house itself is already too close to the setback line w/out any porch. Also, please note, the curvature of the lot would make it difficult to move the house. The porch enhances the aesthetics and the liveability / functionality of the house. The house is so small - we are trying to increase its usability.

Necessity: To add a way to be outside, swing, to catch the breeze outside. A covered porch is good for a person's place of mind in such a busy world. The ambience of this neighborhood is what many others is a big part of what made us buy this home.

Reasonable Alternatives: _____

City of Sugar Land
26/07 01 Receipt no: 17845
ZC
LG ZONING & COND I \$500.00
CK CHECK \$500.00
Total Payment \$500.00
16:19:38

NOTICE OF PUBLIC HEARING

REQUESTED VARIANCE TO THE FRONT YARD SETBACK REQUIREMENT FOR PROPERTY LOCATED AT 615 MAIN STREET, IN THE HILL-AREA RESIDENTIAL (HR-1) DISTRICT

**NOTICE OF PUBLIC HEARING REGARDING A REQUESTED VARIANCE TO THE FRONT
YARD SETBACK REQUIREMENT FOR PROPERTY LOCATED AT 615 MAIN STREET, IN
THE HILL-AREA RESIDENTIAL (HR-1) DISTRICT, MORE SPECIFICALLY DESCRIBED
AS 0.195 ACRE TRACT OUT OF THE IMPERIAL SUGAR COMPANY'S TOWNSITE TRACT
IN THE S. M. WILLIAMS LEAGUE A-97.**

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed
Variance request shall be given an opportunity to be heard.

WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS

WHEN: CITY OF SUGAR LAND
ZONING BOARD OF ADJUSTMENT
5 PM, NOVEMBER 28, 2007

**DETAILS OF THE PROPOSED ZONING VARIANCE MAY BE OBTAINED BY
CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY
EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN
MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS
LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND,
TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO
OVER ADDITIONAL DETAILS IN PERSON.**